

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MATTHEW JOHN MATAGRANO,

Plaintiff,

9:05-CV-1459
(DNH)(RFT)

v.

REGINA MILES, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

MATTHEW JOHN MATAGRANO
Plaintiff, *pro se*
04-A-5883
Wende Correctional Facility
P.O. Box 1187
Alden, New York 14004

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Attorney for Defendants
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Syracuse, New York 13204

SENTA B. SUIDA, ESQ.
Assistant Attorney General

RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court is *pro se* Plaintiff Matthew John Matagrano Motion for a Change of Venue to the United States District Court for the Southern District of New York. Dkt. No. 48. Plaintiff has also filed a Motion for Leave to file a further Supplemental Complaint. Dkt. No. 47.

In this civil rights action, Plaintiff claims, *inter alia*, that he has been denied reasonable accommodation for his hearing impairment in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and that Defendants have denied him proper care for his serious medical and

mental health conditions during his incarceration.¹ Plaintiff also claims that Defendants have violated and are in contempt of the Consent Decree entered by the Honorable Robert W. Sweet, United States District Judge, in *Clarkson v. Coughlin*, Civil Case Number 91-CV-1792, a class action suit brought in the United States District Court for the Southern District of New York on behalf of all deaf and hard-of-hearing inmates in the custody of the New York Department of Correctional Services. The Consent Decree, entered in 1996, details the relief to which the class is entitled and provides a mechanism for enforcement. *See Clarkson v. Coughlin*, 2006 WL 587345 (S.D.N.Y. Mar. 10, 2006) (granting notice to class members regarding enforcement of the consent order).

Defendants have advised the Court that they consent to the requested change of venue. Dkt. No. 54.²

Upon due consideration, and in light of Defendants' consent to the requested change in venue, the Court grants Plaintiff's Motion and hereby transfers this action to the Southern District. The Court will leave determination of Plaintiff's Motion to Supplement to the Southern District.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Motion to Change Venue (Dkt. No. 48) is **granted**. The Clerk of the Court shall transfer this matter to the United States District Court for the Southern District of New York pursuant to Local Rule 83.6(a) of the Northern District of New York; and it is further

ORDERED, that the Clerk of the Court advise the Clerk of the Southern District of New York, in writing, of the entry of this Order and provide the Clerk with a certified copy of this Order

¹ Plaintiff states that he suffers from a bilateral hearing impairment and a psychiatric disorder.

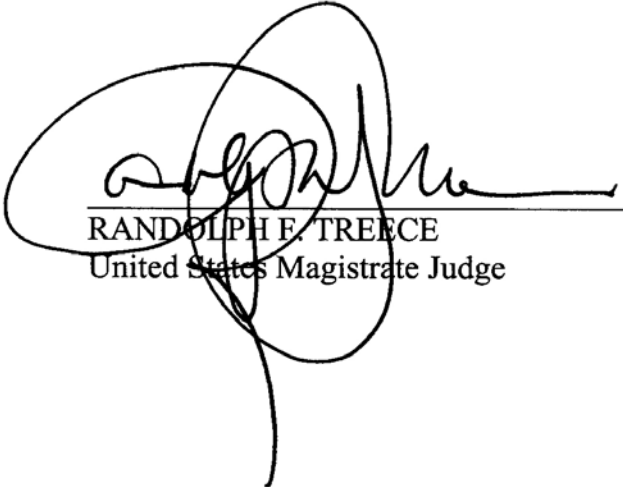
² Defendants "reject, oppose, and deny plaintiff's allegations of contempt and rights violations." *Id.*

and of the Docket Sheet for this action, together with all information necessary for the Clerk of the Southern District to electronically access the documents filed in this action; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

Date: June 20, 2007
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge